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FISCAL IMPACT STATEMENT

LS 6119

BILL NUMBER: SB 174

NOTE PREPARED: Feb 9, 2015

BILL AMENDED: Feb 9, 2015

SUBJECT: Sentence Modification.

FIRST AUTHOR: Sen. Young R Michael

FIRST SPONSOR:

BILL STATUS: 2nd Reading - 1st House

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: (Amended) This bill has the following provisions:

- A. *Sentence Modification Procedures for Persons Sentenced for Offenses Committed Prior to July 1, 2014* – It makes a person who commits an offense before July 1, 2014, eligible for sentence modification on the same terms as a person sentenced on or after that date.
- B. *Violent vs. Nonviolent Criminals* – It defines "violent criminal" and restricts a violent criminal to one petition for sentence modification without the consent of the prosecuting attorney. It permits a person who is not a violent criminal to file two petitions for sentence modification without the consent of the prosecuting attorney.
- C. It permits certain offenders who committed an offense after June 30, 2014, and before May 15, 2015, to file an additional petition.

Effective Date: Upon Passage.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: (Revised) *Sentence Modification Procedures for Persons Sentenced for Offenses Committed Prior to July 1, 2014* – This provision should result in minimal workload change in criminal courts and potentially fewer hearings for prosecuting attorneys.

Under current law, persons who are not credit-restricted felons may petition twice for a sentence modification for the same prison sentence. If the prosecuting attorney does not approve the petition, the court must set a hearing to consider the petition.

As proposed, the following table shows the number of times that a person may petition a court to modify the person's sentence. (Credit-restricted felons would not be permitted to petition for a sentence modification.)

Number of Petitions Permitted for Sentence Modification by Violent and Nonviolent Criminals During Any Consecutive Period of Incarceration			
	Crime Committed Before July 1, 2014	Crime Committed Between July 1, 2014, and May 15, 2015	Crime Committed after May 15, 2015
Violent Criminals	One	One	One
Nonviolent Criminals	Two	Two	Two

Violent Criminals – Persons sentenced for the following felonies would be permitted one petition for a sentence modification. Violent criminals are those who committed the crimes shown in the following table.

Violent Criminals Are Defined to Have Committed the Following Crimes	
Murder	Rape
Attempted murder	Criminal deviate conduct(before its repeal).
Voluntary manslaughter	Child molesting
Involuntary manslaughter	Sexual misconduct with a minor as a Level 1 or a Level 2 felony
Reckless homicide	Robbery as a Level 2 or a Level 3 felony
Aggravated battery	Burglary as a Level 1, Level 2, Level 3, or Level 4 felony
Kidnapping	

Restricting these persons to one petition for a sentence modification would reduce the work load in trial courts.

[The sentence modification statute permits an offender who was committed to Department of Correction (DOC) to file a petition to have their sentence either reduced or suspended (placing the offender on probation).]

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: Trial Courts with criminal jurisdiction; Prosecuting attorneys.

Information Sources:

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